

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

ORDER

Criminal No. 97-276(22)

Antonie Brown,

Defendant.

Jeffrey S. Paulsen, Assistant United States Attorney, for and on behalf of
the United States of America.

Defendant, appearing *pro se*.

This matter is before the Court on Defendant's motion for a furlough from the Bureau of Prisons in order to allow him to file a FAFSA application and to present academic documents to his case manager in order to prompt a recommendation for additional residential reentry center ("RRC") placement, which would allow him to go through orientation at the RRC and prepare for school, transportation and to establish and reestablish family and community ties. He seeks a furlough from February 3, 2014 through February 10, 2014.

The temporary release of a prisoner is governed by 18 U.S.C. § 3622, which

provides the Bureau of Prisons the authority to grant a request for temporary release under certain conditions. The Eighth Circuit has recognized that § 3622 vests authority to grant furloughs with the Bureau of Prisons, not the federal courts. United States v. Premachandra, 78 F.3d 589, 1996 WL 102567 (8th Cir. 1996) (per curiam) (unpublished table decision). See also Bania v. Fed. Bureau of Prisons, Civ. No. 10-2212, 2011 WL 882096 (D. Minn. Feb. 24, 2011) (rejecting argument that district court has authority to grant furlough from prison pursuant to the All Writs Act).

As this Court does not have the authority to grant the requested relief, the same shall be denied.

IT IS HEREBY ORDERED that Defendant's Motion for Temporary Furlough [Doc. No. 1589] is DENIED.

Date: December 19, 2013

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court